

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FRED SALAS,

Plaintiff,

v.

INDEPENDENT ELECTRICAL
CONTRACTORS INC.,

Defendant.

CONSOLIDATED

LEAD CASE NO. 11-1748 RAJ

MEMBER CASE NO. C12-277RAJ

ORDER

This matter comes before the court *sua sponte*. On May 7, 2013, the court granted defendants' motions for summary judgment. Dkt. # 197. In that order, the court noted that it appeared that plaintiff had not filed a response to defendant Independent Electrical Services, Inc.'s ("IES") motion, but that it would construe plaintiff's response to defendant Independent Electrical Contractors of Washington Educational Training Fund ("IEC") as a response to IES's motion as well. *Id.* at 1 n.1. On June 5, 2013, plaintiff filed a motion to amend the judgment pursuant to Rule 59(e). Dkt. # 199. In that motion, plaintiff noted, among other things, that plaintiff's response to IES's motion was filed as Dkt. Nos. 180 and 181 under seal. *Id.* at 10 n.4. On November 26, 2013, the court denied plaintiff's motion. Dkt. # 215. In that order the court noted that although plaintiff argued that the court did not review Dkt. # 181, that document appeared to be a pleading filed in

1 an unrelated case that had no bearing in this action. *Id.* at 2 n.1. On or around December
2 4, 2013, the clerk's office received a telephone call from Mr. Salas regarding Dkt. # 181
3 and the court's order. Subsequently, the clerk's office searched for and found the
4 scanned image of plaintiff's response to IES's motion. The court attached the response to
5 its December 9, 2013 minute order. Dkt. # 216. That response relies on the same
6 evidence submitted by Mr. Salas that the court reviewed in its order granting summary
7 judgment. The court has now reviewed plaintiff's response to IES's motion, and the
8 court finds that it does not change the court's analysis in its order granting summary
9 judgment for IEC and IES. The court has also reviewed plaintiff's Rule 59(e) motion
10 again, and finds that the court's holdings that the motion was untimely and that plaintiff
11 has not met the requisite standard remains the same. Argument is not evidence. The
12 court reviewed all the evidence filed prior to issuing its order granting summary
13 judgment.

14 For all the foregoing reasons, the court finds that plaintiff's response to IES's
15 motion for summary judgment (attached to Dkt. # 216) does not change the court's
16 analysis in its order granting summary judgment or in its order denying plaintiff's motion
17 to amend the judgment. No further motions shall be filed in this case. The court
18 considers this case closed.

19 Dated this 13th day of December, 2013.

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23 The Honorable Richard A. Jones
24 United States District Judge
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